

CITY COUNCIL AGENDA

OCTOBER 30, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member Dando (excused)

1:40 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Member Dando (excused)
- **Invocation (District 9)**
Larry Albright, Associate Pastor, Lincoln Glen Church, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation for the City of San José's Outstanding Employee Award to Patrick Chew, Fire Protection Engineer. (City Manager's Office)
Joining Mayor Gonzales at the Podium was City Manager, Del D. Borgsdorf, Fire Chief Manuel P. Alarcon, and Patrick Chew, Fire Protection Engineer. Mayor Gonzales presented the commendation to the honoree, expressed appreciation for his service to the City of San Jose, and introduced Patrick's wife and niece, who were asked to stand and be recognized.
- 1.2** Presentation of plaque to James King for 3 years 6 months service on the Library Commission. (Mayor)
The plaque will be mailed, as the Commissioner was unable to attend the meeting.
- 1.3** Presentation of a commendation to San José Earthquakes for a successful season. (Mayor)
(Rules Committee referral 10/24/01)
Mayor Gonzalez presented the commendation to Greg Elliott, Vice President, the coaches and 6 team members of the San Jose Earthquakes soccer team. Greg Elliot presented Mayor Gonzales with a soccer ball bearing the signatures of each team member and presented a T-Shirt to each Council Member.

1 CEREMONIAL ITEMS

- 1.4 Presentation of commendations to the San José Firefighters who went to the City of New York to assist in the search and rescue efforts after the September 11th tragedy.

(Diquisto/Mayor)

(Rules Committee referral 10/24/01)

Council Member Diquisto joined Mayor Gonzales at the Podium and presented commendations to Battalion Chief Gerald R. Kohlmann, Captain Harry L. Jackson, Captain Rodney D. Villa and Fire Engineer David C. Lerma . Mayor Gonzales expressed the City's appreciation for their heroism in the wake of the September 11th tragedy, which resulted in the death of 340 Fire Fighters and countless numbers of men, women, and children who perished in the collapse of the World Traded Centers.

- 1.5 Presentation of a commendation to Richard Rios for his dedication and service to the community and Redevelopment Agency. (Mayor)

(Orders of the Day)

Mayor Gonzales presented the commendation to Richard Rios in recognition of the employee's years of service to the Redevelopment Agency and the citizens of San Jose.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.

None.

- 2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26495 – Amends various chapters of Title 20 of the San José Municipal Code by amending Sections 20.90.060, 20.50.100, and 20.100.910, and by adding Sections 20.60.080, 20.200.415, 20.200.1162, and 20.200.1163 to modify the parking requirements for certain industrial land uses, to revise provisions pertaining to public eating establishments and social service agencies in industrial zoning districts, and to establish provisions related to setbacks for certain equipment in planned development districts.

Ordinance No. 26495 was adopted.

- (b) ORD. NO. 26496 – Rezones certain real property situated at the southwest corner of Meridian Avenue and Branham Lane, from CP-Commercial Zoning District to A(PD) Planned Development Zoning District. PDC 00-08-069

Ordinance No. 26496 was adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

- (c) ORD. NO. 26497 – Rezones certain real property situated at the southeasterly corner of U.S. Highway 101 and Silver Creek Valley Road to A(PD) Planned Development Zoning District. PDC 00-10-109
Ordinance No. 26497 was adopted.
- (d) ORD. NO. 26498 - Rezones certain real property situated at the northeast corner of South Bascom Avenue and Samaritan Drive, from CP-Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District. PDC 00-06-055
Ordinance No. 26498 was adopted.

Recommendation: Final adoption of ordinances:

- (e) ORD. NO. 26499 - Rezones certain real property situated at the east side of Morrill Avenue, approximately 112 feet northerly of Tobin Drive. C 01-07-069
Ordinance No. 26499 was adopted.

2.3 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Keeble Avenue Storm Sewer Project, with a net impact to the fund of \$70,000, and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)
Ordinance No. 26501 was adopted.
Resolution No. 70676 was adopted.
Resolution No. 70677 was adopted.
- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Story Road Median Island Improvement Project, with a net impact to the fund of \$165,000, and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)
Ordinance No. 26502 was adopted.
Resolution No. 70678 was adopted.
Resolution No. 70679 was adopted.
Council approved the recommendation with direction to staff to provide detailed information on the physical scope of the project.

2 CONSENT CALENDAR

2.3 Approval of various fiscal actions for Redevelopment Agency Capital Projects. (Cont'd)

Recommendation:

- (c) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the NBD Pole Painting Project, with a net impact to the fund of \$220,000, and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)

Ordinance No. 26503 was adopted.

Resolution No. 70680 was adopted.

Resolution No. 70681 was adopted.

2.4 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #10, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.5 Approval to purchase three dump trucks for the Department of Transportation.

Recommendation: Approval of an option to purchase three additional 35,000 pound cabs and chassis with dump truck type bodies from Kurt International Trucks at the same bid price, at a total cost of \$214,459.68 including tax and delivery, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of three additional units.
(b) Subsequent purchase of the additional units at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

2 CONSENT CALENDAR

2.6 Approval to create, change, and delete various job classifications.

Recommendation: Adoption of a resolution:

- (a) Amending the City's Pay Plan to create job classifications for Supervisor, Trades (3229), Medical Assistant (5126), Medical Assistant, Senior (5127), Video/Multimedia Producer (8032), Program Manager I (8073), and Program Manager II (8076), and Arborist Technician (3406);
 - (b) Changing job classification titles for Executive Assistant I U (1631), Executive Assistant II U (1636), Senior Executive Assistant U (1650), Source Control Technician (5226), Source Control Inspector I (5225), Source Control Inspector II (5224), and Senior Source Control Inspector (5223); and
 - (c) Deleting various obsolete job classifications.
- (Human Resources)

Resolution No. 70682 was adopted.

2.7 Approval of various actions related to Salary Resolution No. 51870.

Recommendation: Adoption of a resolution amending Salary Resolution No. 51870 to:

- (a) Authorize the City Manager to use higher class pay for temporary assignments of employees in unrepresentative units;
- (b) Authorize Appointing Authorities to exercise discretion in determining the starting salary of a promoted employee in order to respond to market conditions or other compensation issues;
- (c) Authorize all Appointing Authorities to use one-time performance pay as part of annual performance evaluations for their employees in Unit 99;
- (d) Remove all language in the Resolution that has been superseded by specific bargaining agreements or is otherwise obsolete.

(Human Resources)

Resolution No. 70683 was adopted.

2.8 Approval of various actions related to the San José Animal Care Center Building and Site Improvements Project.

Recommendation: Report on bids, relieve the low bidder, John Plane Construction, of its bid without forfeiture of its bid bond due to the bidder's mistake, reject all bids, and authorize the Director of Public Works to re-advertise and re-bid the San José Animal Care Center Building and Site Improvements Project. CEQA: Negative Declaration.

(Public Works)

Approved.

2 CONSENT CALENDAR

2.9 Approval of various actions related to the agreement for the Guadalupe Creek Trail Master Plan.

Recommendation: Approval of the following actions:

- (a) Approval of an agreement with Callander and Associates for consultant services for the Guadalupe Creek Trail Master Plan from the date of execution of the agreement to October 31, 2002, in the amount of \$224,000, and additional services in the amount of \$15,000, for a total agreement amount of \$239,000.

Approved.

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the City-Wide Construction and Conveyance Tax Fund in the amount of \$80,000.

(Public Works/City Manager's Office)

Ordinance No. 26504 was adopted.

Resolution No. 70684 was adopted.

2.10 Acceptance of the San José Arena Authority Ticket Distribution Program Report.

Recommendation: Acceptance of the Third Quarter 2001 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

Report was accepted.

2.11 Nominations to the Metcalf Community Advisory Committee.

Recommendation: Approval of the nominations to the Metcalf Community Advisory Committee. (Mayor)

(Rules Committee referral 10/24/01)

Deferred to 11/6/01.

2.12 Approval of the Operating Grant Agreement with Our City Forest.

Recommendation: Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2001-2002, in the amount of \$135,000. (Transportation)

This item renumbered from Item 5.4

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No report.

3.2 Report of the Rules Committee – October 17, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review October 30, 2001 Draft Agenda
The Committee approved the October 30, 2001 City Council agenda with two additions.
 - (2) Add New Items to October 23, 2001 Amended Agenda
The Committee recommended three additions to the October 23, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended one addition, *Fire Department Strategic Plan Audit (Auditor/Fire)* and one deletion, *Proposed 2002-03 Budget Calendar (Manager)*, to the October 24, 2001 agenda.
 - (b) Economic Development and Environment Committee
None filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None filed.
- (d) Meeting Schedules
 - (1) Approval of the Airport Improvement Program Study Session for November 5, 2001 at 7:00 p.m., Council Chambers
The Committee recommended approval of an *Airport Improvement Program* Study Session on November 5, 2001, at 7:00 p.m. in Council Chambers.
- (e) The Public Record
There was no Public Record filed.
- (f) Boards, Commissions and Committees
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 17, 2001 (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Request to Administration to resolve day worker problem at 2927 South King Road
The Committee directed the Administration assign a deputy to coordinate all departments needed to solve the day worker problem at 2927 South King Road and other City sites where this problem exists, taking into consideration the following issues: a need to educate the public (those who hire day workers); security and safety of day workers; and exploring the possibility of establishing an additional Day Worker Center.
 - (2) Direct the City Manager to work with cultural organizations and businesses to identify and streamline processes to support new endeavors as part of the “Reunite with Friends, Reconnect with San José” campaign
This item was reported to Council on October 23, 2001.
- (h) Administrative Reviews and Approval
There were none.
- (i) Oral communications
William Garbett commented on the day worker situation.
- (j) Adjournment
The meeting adjourned at 2:15 P.M.

The Rules Committee report and action of October 17, 2001 were accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No report.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of a Supplemental Retiree Benefit Reserve.

Recommendation: Approval of proposed Supplemental Retiree Benefit Reserve and referral to City Administration for implementation. (Board of Administration for the Police & Fire Department Retirement Plan)
(Deferred from 10/16/01 – Item 3.5)

Council approved the proposed Supplemental Retiree Benefit Reserve as proposed by the Police and Fire Retirement Board and the recommendations contained in the October 29, 2001 memorandum from Mayor Gonzales to (1) Include a modification to the proposal so that the SRBR accrued principal amount would be charged with ten percent of the City's increased contribution rate in any given year, in the event that the City's contribution rate increases due to poor market/investment returns of the Fund; and (2) Direct the Administration to work with the Retirement Board to develop a distribution methodology to achieve the goal that distributes benefits to a higher degree for retirees who have been out of active service longest, and that the proposed methodology would be returned to Council for approval. Disqualified: Diquisto, due to conflict of interest.

3.5 TEFRA Hearing and approval of various actions related to the Santa Teresa Medical Center.

Recommendation: Approval of the following actions regarding the Santa Teresa Medical Center:

- (a) Hold a TEFRA Hearing for the issuance of \$275,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Statewide Community Development Authority.
TEFRA Hearing held.
No public testimony presented.
- (b) Adoption of a resolution approving the issuance of California Statewide Community Development Authority Kaiser Permanente Revenue Bonds, 2001 Series A in an aggregate principal amount not to exceed \$275,000,000, to be used to:
 - (1) Currently refund the \$56,955,000 California Health Facilities Financing Authority Kaiser Permanente Refunding Revenue Bonds, 1991 Series A (the "1991 Bonds").
 - (2) Acquire, construct, renovate, equip, and perform other capital improvements of certain hospitals and related facilities.
 - (3) Pay certain expenses incurred in connection with the issuance of the Bonds.

Council District 2. (Finance)

Resolution No. 70685 was adopted.

3 STRATEGIC SUPPORT SERVICES

3.6 Approval of a Memorandum of Agreement with the Association of Building, Mechanical, and Electrical Inspectors.

Recommendation: Adoption of a resolution approving the terms of a Memorandum of Agreement with the Association of Building, Mechanical, and Electrical Inspectors, and authorizing the City Manager to execute the agreement with a term of October 27, 2001 through October 22, 2004. (City Manager's Office)

Resolution No. 70686 was adopted.

3.7 City and Agency positions on the Open Space Authority ballot measure.

Recommendation: Approval of the City and Agency positions on the Open Space Authority ballot measure. (Mayor)
(Deferred from 10/23/01 – Item 3.5)

This Item renumbered to Item 10.2

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

No report.

4.2 Implementation of Workforce Investment Act Programs and Projects for 2001-2002.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements:

- (a) Working Partnerships USA for sectoral labor market research to be published in four reports, and related sub-contracts, in a total amount for all related contracts not to exceed \$250,000, from July 1, 2001 to June 30, 2002;
- (b) PRX Inc., and related sub-contracts, for marketing services in a total amount for all contracts not to exceed \$200,000;
- (c) Neighborhood Self Sufficiency Centers for the period July 1, 2001 to June 30, 2002, with Center for Training and Careers in an amount not to exceed \$250,000; Second Start, Inc. in an amount not to exceed \$275,000; and NOVA in an amount not to exceed \$90,000;
- (d) Foothill-DeAnza Community College District - Occupational Training Institute for adult intensive services for a period from July 1, 2001 to June 30, 2002, in an amount not to exceed \$1,800,000;

This Item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Implementation of Workforce Investment Act Programs and Projects for 2001-2002. (Cont'd)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements:

- (e) San José Evergreen Community College District/Institute for Business Performance for dislocated worker services in an amount not to exceed \$2,600,000, for the period from July 1, 2001 to June 30, 2002;
- (f) California Municipal Technologies, Inc. to provide both, (a) continued customization to the Intrastate Training Resource and Information Network for usage by clients of the San José Silicon Valley Workforce Investment Board, and (b) continued development of the WIA Automated Forms System for usage by staff serving the clients of the San José Silicon Valley Workforce Investment Board in an amount not to exceed \$150,000, for the period from July 1, 2001 to June 30, 2002;
- (g) Center for Employment Training to provide intensive services and English as a Second Language classes to dislocated workers from the Del Monte, Mariani, Red Wing food processing facilities, and other related industries, in an amount not to exceed \$100,000, for the period from July 1, 2001 to June 30, 2002;
- (h) Center for Training and Careers, Inc. to provide intensive services to dislocated workers from the high tech sector in an amount not to exceed \$100,000, for the period from July 1, 2001 to June 30, 2002;
- (i) All contracts, agreements, leases, subleases, and memos of understanding with sub-contractors and vendors providing services to the Workforce Investment Act Program including, but not limited to novations or assignments, vendor training contracts, consultant contracts, memos of understanding with Mandatory Partners and cities whose residents receive service under the WIA program, so long as moneys have been appropriated.
- (j) All grant applications, grants, and sub grant agreements for the period from July 1, 2001 to June 30, 2002.

(Economic Development)

Resolution No. 70687 was adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of various fiscal actions related to the Villa de Guadalupe Development.

Recommendation: Adoption of a resolution authorizing the issuance of series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$6,840,000 and a taxable series of multifamily housing revenue bonds in a not-to-exceed principal amount of \$950,000, and approving a loan of the proceeds to a limited partnership created by AIMCO for financing acquisition and rehabilitation of the Villa de Guadalupe Project including:

- (a) Approving, in substantially final form, the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement, and Declaration of Restrictive Covenants, Private Placement Memorandum, and Bond Placement Agreement.
- (b) Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
- (c) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds to be invested in one or more investment agreements with an institution(s) whose credit rating satisfies the City's requirements, as approved by the Director of Finance.

Council District 5. (Housing/Finance)

Resolution No. 70688 was adopted.

4.4 Approval of various actions related to the North White Road Family Apartments.

Recommendation:

- (a) Adoption of a resolution approving business terms for a construction loan of up to \$9,985,000 and a permanent loan of up to \$10,185,000 to JSM Enterprises, Inc., or its designated partnership, for the development of a 157-unit family housing development with 156 units affordable to low- and very low-income households and one unrestricted manager's unit on a 3.83 acre site located on the east side of North White Road, approximately 450 feet north of McKee Road. Council District 5. (Housing)
- (b) Adoption of a resolution authorizing the issuance of a single series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$16,845,000, and approving a loan of the proceeds to a limited partnership created by JSM Enterprises, Inc. for financing the construction of the North White Road Family Apartments Project including:
 - (1) Approving, in substantially final form, the Bonds, Trust Indenture, Loan and Financing Agreement, Regulatory Agreement, and Declaration of Restrictive Covenants, and Promissory Note.
 - (2) Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions related to the North White Road Family Apartments. (Cont'd.)

Recommendation

- (b) Adoption of a resolution authorizing the issuance of a single series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$16,845,000, and approving a loan of the proceeds to a limited partnership created by JSM Enterprises, Inc. for financing the construction of the North White Road Family Apartments Project including: **(Cont'd.)**
- (3) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected ratings on the Bonds, as approved by the Director of Finance.

Council District 5. (Housing/Finance)

Deferred to 11/13/01.

4.5 Public Hearing and vacation of a sidewalk easement on La Crescent Place.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the vacation of the public sidewalk easement in the north end of La Crescent Place. CEQA: Exempt. Council District 9. (Public Works)

Resolution No. 70689 was adopted.

4.6 Approval of an urgency ordinance amending Title 20, The Zoning Code, clarifying noise performance standards in the residential districts.

Recommendation:

- (a) Adoption of the proposed urgency ordinance amending Title 20 of the San José Municipal Code clarifying the noise performance standards in residential zoning districts as presented in the memorandum.

Urgency Ordinance No. 26505 was adopted.

- (b) Adoption of a resolution initiating proceedings for a regular ordinance of the City of San José amending the noise performance standards as contained in all zoning districts in Title 20 of the Municipal Code.

CEQA: ND. (Planning, Building and Code Enforcement)
(Rules Committee referral 10/24/01)

Resolution No. 70690 was adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 15, 2001

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report
With two (2) members present, the Committee forwarded the report to Council for consideration.
- (b) Annual Report on Library Usage
The Committee accepted the staff report.
- (c) Quarterly Report on the new Dr. Martin Luther King, Jr. Library
The Committee accepted the staff report.
- (d) Green Print Implementation Strategies
The Committee accepted the staff report, with the following directives to staff:
 - **The draft Green Print marketing brochures is sent to each Council Member for their comments and suggestions.**
 - **A boilerplate joint use agreement is produced including: length of time of agreement, responsibilities for financial support from all parties, maintenance of calendar, and maintenance of the facility.**
- (e) Report on Blight Ordinance
To include single family homes
Holiday lights
The Committee accepted the staff report, with the following directives to staff:
 - **A meeting is scheduled in November 2001 with all Neighborhood Association Presidents. Invitations will be sent by the end of October.**
 - **A report is brought back to the Committee in November 2002, with an update on the four options selected.**
 - **The options for Residential Park Strip Maintenance be reworked and returned to Council in December 2001.**
- (f) Proposed Implementation of Skate Parks
The Committee deferred this Item to the November 19, 2001 Education, Neighborhood and Youth Services Committee Meetings.
- (g) Aging Services Master Plan Update
Preliminary report on strategies and process for updating the Plan, including cost per unit
Plans for Senior's citywide event for May 2002
The Committee deferred this Item to the November 19, 2001 Education, Neighborhood and Youth Services Committee Meeting.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 15, 2001 (Cont'd.)

Council Member Chavez, Chair

- (h) Oral petitions

None.

- (i) Adjournment

The meeting was adjourned at 3:35 p.m.

The Education, Neighborhoods, Youth and Seniors Committee Report and actions of October 15, 2001 accepted.

5.2 Approval to award a contract for the West Valley Branch Library Project.

Recommendation:

- (a) Report on bids and award of contract for the West Valley Branch Library Project to the low bidder, West Bay Builders, Inc. in the amount of \$6,083,000. CEQA: ND.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Library Construction and Conveyance Tax Fund:

- (1) Increase the appropriation for the West Valley Branch Replacement Project by \$499,000.

- (2) Decrease the Ending Fund Balance by \$499,000.

Council District: 1. (Public Works/City Manager's Office)

(Deferred from 10/2/01 – Item 5.4 and 10/16/01 – Item 5.2)

Ordinance No. 26506 was adopted.

5.3 Acceptance of the Parks and Recreation and Branch Library Bond Projects status report.

Recommendation: Acceptance of the quarterly status report on the Parks and Recreation and Branch Library Bond Projects (Measures O&P). (City Manager's Office)

Council accepted the quarterly status report with directive to staff to identify in the footnote non-bond funds.

5.4 Approval of the Operating Grant Agreement with Our City Forest.

Recommendation: Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2001-2002, in the amount of \$135,000. (Transportation)

This Item was renumbered to Item 2.12

5 RECREATION & CULTURAL SERVICES

5.5 Approval of a grant agreement for the Mexican Heritage Plaza-Centro Cultural de San José.

Recommendation: Approval of a grant agreement with the Mexican Heritage Corporation for operating support of the Mexican Heritage Plaza-Centro Cultural de San José for the period October 16, 2001 to July 31, 2002, in an amount not to exceed \$500,000. Council District 5. (Conventions, Arts and Entertainment)
(Rules Committee referral 10/24/01)

Approved.

6 TRANSPORTATION SERVICES

6.1 Discussion and referral of the BART alternative along the Union Pacific rail corridor to the Valley Transportation Authority for consideration.

Recommendation: Adoption of a resolution expressing the preliminary support of the City Council for the BART (transportation) alternative along the Union Pacific Rail Corridor (Alternative #11) as the Preferred Investment Strategy and recommending that alternative for further study and development to the Valley Transportation Authority for their consideration and action. Council Districts 3 and 4. (Transportation)

Resolution No. 70691 was adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of agreements for navigational and visual aids for the San José International Airport 12L/30R Improvement Project.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute a reimbursable agreement with the Federal Aviation Administration (FAA) for design and inspection services for navigational and visual aids for the San José International Airport 12L/30R Improvement Project for a period not to exceed three years from the date of execution by the FAA, in an amount not to exceed \$425,429.

This Item continued on the next page.

8 AVIATION SERVICES

8.1 Approval of agreements for navigational and visual aids for the San José International Airport 12L/30R Improvement Project. (Cont'd.)

Recommendation: Adoption of a resolution:

- (b) Authorizing the City Manager to negotiate and execute an Equipment Transfer Agreement with the FAA for the transfer of ownership to the FAA of navigational and visual aid equipment purchased by the City in the amount of \$1,600,000 for the San José International Airport 12L/30R Improvement Project, at no cost to the FAA.
- (c) Authorizing the City Manager to negotiate and execute a Lease with the FAA for the navigational and visual aids for the San José International Airport 12L/30R Improvement Project for a year-to-year term not to exceed two years, at no cost to the FAA.

CEQA: Resolution No. 67380. (Airport)

Resolution No. 70692 was adopted.

9 PUBLIC SAFETY SERVICES

9.1 Acceptance of the Fire Department Master Plan.

Recommendation: Acceptance of the Fire Department Master Plan for use as a foundation for current and future Fire Department service improvements and related funding decisions. (Fire)

Council approved staff recommendation with the modification of Item Number 9 (removing “Quint” capabilities) and the addition of Item 12 (Follow up on Special Operations) and 13 (More in-depth follow up on Strategic Support).

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 AND 10.2 IN A JOINT SESSION

10.1 Adoption of resolutions by the City Council and Redevelopment Agency Board relative to the Civic Center Plaza Project.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board approving fiscal actions relative to the Civic Center Plaza Project:

- (a) Adoption of resolutions by City Council and Agency Board approving the first amendment to the cooperation agreement between the City and Agency relative to the Civic Center Project providing for the repayment of the Agency by the City for the Civic Center site and Civic Center garage site;
- (b) Adoption of a resolution by the Agency Board approving the reduction of \$5,850,000 to the Adopted FY 2001-2002 Capital Budget Civic Center Plaza – Infrastructure project line in the Civic Plaza Redevelopment Area; and
- (c) Adoption of a resolution by the Agency Board amending the FY 2001-2002 Agency appropriations resolution to reflect the reduction of the \$5,850,000.

(City Attorney's Office)

(Deferred from 9/25/01 – Item 10.1 et al., and 10/23/01 – Item 10.1)

Deferred to 11/6/01.

10.2 City and Agency positions on the Open Space Authority ballot measure.

Recommendation: Approval of the City and Agency positions on the Open Space Authority ballot measure. (Mayor)

(Deferred from 10/23/01 – Item 3.5)

This Item renumbered from Item 3.7

Deferred to 11/6/01

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9349	N. First Street (W/s) S/o Ryland Park	3	Pulte Homes	36 lots/ 66 units	34 SFAR 32 MFAU	Approve

- **Open Forum**

Pete Campbell spoke in opposition to the renaming of the San Jose International Airport with the recommendation that Council place the item on the ballot.

- **Adjournment**

The Council of The City of San Jose Adjourned at 6:00 p.m. in memory and honor of Officer Jeffrey Fontana, for his dedication and service to the City of San José.

REDEVELOPMENT AGENCY/COUNCIL ACTION

The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, October 30, 2001:

7.1 Approval of a Purchase and Sale Agreement with the Emergency Housing Consortium, Inc., for the acquisition of 26-28 South Fifth Street and a Relocation and Development Agreement with Emergency Housing Consortium for the Our House Youth Shelter project.

Recommendation:

- (a) Approval by the Agency Board of a Purchase and Sale Agreement with EHC, in the amount of \$752,500, plus related closing costs for the acquisition of 26-28 South Fifth Street within the Civic Plaza Project Area;

Approved. Vote: 10-0-1-0. Absent: Dando

- (b) Adoption of a resolution by the City Council approving the disposition of property located at the northeast corner of South Third and East William Streets to the Emergency Housing Consortium, accepting the 33433 Summary Report, and finding that the disposition of the property will assist in the elimination of blight and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Relocation and Development Agreement;

Resolution No. 70693 adopted. Vote: 10-0-1-0. Absent: Dando

- (c) Adoption of a resolution by the Agency Board approving a Relocation and Development Agreement and authorizing the Executive Director to execute ancillary documents contemplated by the Relocation and Development Agreement and to close escrow and dispose of the property described in the Relocation and Development Agreement subject to compliance with the terms of the Relocation and Development Agreement, and to negotiate and execute amendments to the Relocation and Development Agreement substantially in conformance with the intent of the Relocation and Development Agreement as reasonably necessary to conform to lender requirements.
(Deferred from 10/23/01, Item 7.1)

CEQA: Resolution No. 68905 (**CIVIC PLAZA**)

Redevelopment Agency Board Resolution adopted.

Vote: 10-0-1-0. Absent: Dando